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Paper No. 9

In re Application of :
Randy G. Cowan : DECISION ON PETITION
Application No. 09/931,336 :
Filed: August 16, 2001 :
Attorney Docket No. 00-1914 :

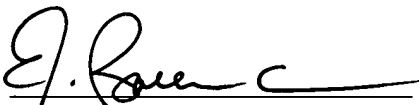
This is a decision on the petition filed by facsimile transmission on October 16, 2003 by which petitioner requests withdrawal of the abandoned status of this application. Although a Notice of Abandonment has not been mailed, the application is currently technically abandoned for failure to file a proper and timely reply to the Office action dated April 1, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that a proper reply to the Office letter in question was in fact filed by facsimile transmission on September 2, 2003, the next business day after September 1, 2003. Petitioner further alleges that this reply was timely filed. In support of these allegations, petitioner has furnished a copy of the reply and a filing receipt therefor showing that petitioner's facsimile transmission was received in the Office on September 2, 2003. A review of the file shows that the file contains an authorization to charge any necessary 37 CFR 1.17 fees during the prosecution of this application, exclusive of filing and issue fees. Therefore, this file authorizes the charge of a two month extension of time fee against Deposit Account No. 11-0020, and such authorization constitutes a constructive petition for the two month extension of time. See 37 CFR 1.136(a)(3).

Accordingly, the technical status of this application as abandoned is hereby vacated, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 to charge the two month extension of time fee, and any other 37 CFR 1.17 fees that are necessary with respect to the reply filed on September 2, 2003. Thereafter, the application will be forwarded to the examiner for action on the reply filed on September 2, 2003.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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